

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**CIVIL CONFERENCE
MINUTE ORDER**

BEFORE: A. KATHLEEN TOMLINSON
U.S. MAGISTRATE JUDGE

DATE: 3-5-2021
TIME: 10:33 a.m. (20 mins)

Caccavale, et al. v. Hewlett-Packard Company, et al.
CV 20-974 (GRB) (AKT)

TYPE OF CONFERENCE: **TELEPHONE STATUS CONFERENCE**

APPEARANCES: Plaintiffs: Steven Moser
Paul Pagano

Defendants: Jeffrey Howard Ruzal (Unisys Corporation)
Kenneth Welch DiGia

Ilana Sarah Levin (Hewlett-Packard Co., Hewlett Packard
Kristofor Henning Enterprise Co.)

FTR through AT&T teleconference line: 10:33 a.m. to 10:53 a.m.

SCHEDULING:

The Court will set the next conference date once it has reviewed the anticipated motion for collective action certification.

THE FOLLOWING RULINGS WERE MADE:

1. The Court set today's conference to get discovery back on track in this putative class action in light of Judge Brown's rulings on previous motions. This Court previously implemented a limited discovery plan involving document production only pending the resolution of those motions. The parties were not permitted to serve interrogatories or conduct depositions up to this point. Counsel confirmed today that they wish to proceed to serve further discovery. Plaintiff's counsel added that he anticipates filing a motion for collective action certification under the FLSA by April 15. Counsel will confer to work out a briefing schedule and submit it to the Court for approval.

As a result, the Court directed counsel to serve any further discovery demands by March 19, 2021. Responses to those demands must be served by April 26, 2021. By May 7, 2021, counsel are to work out any objections they have to each other's responses. If a party intends to seek Court intervention on any issues that cannot be resolved, the Court set a deadline of May 17, 2021 to file any letter motions pursuant to Local Civil Rule 37.1. Such motions must conform with the formatting requirements of Rule 37.1 or they will be returned to counsel.

2. After speaking to counsel about the primary depositions each party believes it needs to take, the Court set a deadline of September 30, 2021 to complete those depositions.
3. With respect to merits versus class discovery, each attorney had the opportunity to express his/her opinion about whether such discovery should be bifurcated. The consensus appears

to be that the parties would prefer to complete discovery in one effort. All of the parties will discuss this prospect and work out the methodology.

SO ORDERED.

/s/ A. Kathleen Tomlinson
A. KATHLEEN TOMLINSON
U.S. Magistrate Judge